

Application No. 10/647,600
Docket No. 2002U014.US
Reply to Office Action Dated May 20, 2004

Remarks

Election/Restriction

Applicant elected Group I claims without traverse by phone, and hereby affirms this election and cancels non-elected claims 33-34.

Applicant believes that the statements at (6), page 3 of the Office Action, referring to an election of species, is in error, as Applicant is not claiming a "heterocyclic compound[]" which define the cocatalyst".

New Claims

Claims 35-46 are added, Claim 35 being derived from original Claim 1 and original Claim 18. The other dependent claims are derived from those filed originally.

Section 112, ¶ 2 Rejections

The Examiner rejected Claims 32 under 35 U.S.C. § 112, second paragraph as indefinite. The Applicant amends Claim 32 to overcome this rejection by removing the term "the" and substituting the term —a—. The Applicant requests that this rejection be withdrawn.

Section 102/103 Rejections

Claims 1-2, 4-6, 8, 10, 13-16, 19-21 and 23-25 were rejected under 35 U.S.C. § 102(b) as anticipated by *Becke et al.* (US 2002/0052446). Further, the Examiner rejected Claims 17, 26, 27, 28 and 30-32 under 35 U.S.C. § 103(a) as being unpatentable over *Becke* alone or in combination with *Govoni et al.* (US 5,589,549).

Claim 3 and 22, among other claims, were deemed allowable if rewritten in independent form. The Applicant cancels these claims and incorporates these limitations into their corresponding Claims 1 and 20, respectively. To provide antecedent basis for these claims, as they originally depended on intervening dependent claims, the statement "wherein the nitrogenous metallocene compound comprises at least one nitrogenous

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leaving group "X'", derived from the specification as filed at page 7, lines 15-17 of paragraph [0025].

Applicant believes that new Claims 35-46 are allowable, as Claim 18 was deemed allowable by the Examiner, this limitation incorporated into original Claim 1 to create the new Claim 35.

The Applicant thus requests that these rejections be withdrawn.

It is submitted that the case is in condition for allowance. The Applicant invites the Examiner to telephone the undersigned attorney if there are any other issues outstanding which have not been presented to the Examiner's satisfaction.

Respectfully submitted,

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Date

Kevin M. Faulkner
Kevin M. Faulkner
Attorney for Applicants
Registration No. 45,427

Univation Technologies, LLC
5555 San Felipe, Suite 1950
Houston, Texas 77056-2723
Phone: 713-892-3729
Fax: 713-892-3687